

Appendix U



California Regional Water Quality Control Board

San Diego Region



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February 8, 2005

CERTIFIED-RETURN RECEIPT REQUESTED

7004 2510 0004 5831 1094

Mr. Patrick Thomas
Director of Public Works
Engineering Division
201 North Broadway
Escondido, California 92025

In reply refer to:
CA:01-0833.02:stewr *g*

Dear Mr. Thomas:

Wet Weather Discharge to Escondido Creek January 11-12, 2005 Required Technical Report

This letter acknowledges receipt of the City's final report, dated January 13, 2005 regarding the discharge of approximately 280,000 gallons of wastewater from the Hale Avenue Resource Recovery Facility (HARRF) into Escondido Creek that occurred on January 11-12, 2005. We understand that some of the wastewater discharged to the creek was treated to secondary treatment standards and not tertiary, as required by Regional Board Order No. R9-2003-0394, NPDES No. CA0108944, *Waste Discharge Requirements for the City of Escondido, Hale Avenue Resource Recover Facility, Intermittent Wet Weather Discharge to Escondido Creek, San Diego County*.

We further understand that in addition to the discharge of approximately 280,000 gallons of secondary effluent, the City's tertiary treatment facilities at the HARRF were treating up to 9 million gallons per day (MGD) of wastewater for a wet weather discharge to Escondido Creek as permitted by waste discharge requirements contained in R9-2004-0394.

To date, however, the Regional Board has not received notification from the City or the Department of Health Services that the ultraviolet disinfection facilities are certified to treat a volume of more than 4 MGD.

Cease and Desist Order (CDO) 96-31 required the City to complete implementation of measures to terminate all unauthorized discharges to Escondido Creek and tributaries thereto by December 31, 2003 (reflecting a six month extension requested by the City on November 10, 2003). Unless the City can document authorization from the Department of Health Services to increase the disinfection capabilities of the tertiary treatment facilities beyond 4 MGD, the discharge of 9 MGD from those facilities to Escondido Creek would be a violation of Discharge Specification B.5 of Order No. R9-2003-0394. Furthermore, the discharge of secondary effluent to Escondido

Creek on January 11-12, 2005 demonstrates that the City has failed to comply with the requirements of CDO No. 96-31.

At this time, the Regional Board does not have enough information to determine the extent of the City's compliance or noncompliance with the Regional Board orders for the HARRF, wet weather discharge, or CDO. Pursuant to California Water Code (CWC) § 13267, I hereby direct the City to submit the following information by **February 28, 2005** in order for the Regional Board to conclude its investigation of this matter:

1. A status report on the current certification of the Title 22 disinfection facilities at the HARRF. If the facilities are not currently certified to treat the 9 MGD authorized for discharge under Order No. R9-2003-0380, the City should include a full explanation as to why the certification has not been received and when the certification is expected.
2. Documentation of the measures taken by the City to comply with discharge specifications in the wet weather permit including, but not limited to:
 - a. Measures to determine whether the mouth of the San Elijo Lagoon was completely open prior to the initiation of the discharge to Escondido Creek.
 - b. The amount of nutrients, total nitrogen and total phosphorus, that was determined by the City to be discharged to Escondido Creek during the discharge, and the date, expected duration, and expected amount of nutrients to be removed from Escondido Creek as a result of the discharge.
 - c. The average flow rate of Escondido Creek, approximately 100 yards upstream of the HARRF, during the discharge and the minimum flow rate recorded during the discharge of secondary effluent to the creek.


The submitted report shall include the following signed certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Failure to submit the above information by the date requested may result in the imposition of administrative civil liability pursuant to CWC § 13268. Questions pertaining to the issuance of this request for information should be directed to Rebecca Stewart at (858) 467-2966. Written correspondence pertaining to this document should be directed to me.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Sincerely,


JOHN H. ROBERTUS
Executive Officer

